

EXHIBIT 27

RAY SMINKEY

December 20, 2016

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1 IN THE UNITED STATES DISTRICT COURT
2 DISTRICT OF NEW JERSEY

3 KIMBERLY COLE, ALAN COLE,)
4 JAMES MONICA, LINDA BOYD,)
5 MICHAEL MCMAHAN, RAY)
6 SMINKEY, JAMES MEDDRES,)
7 JUDY MEDDERS, ROBERT)
8 PEPERNO, SARAH PEPERNO, AND)
9 KELLY MCCOY, ON BEHALF OF)
10 THEMSELVES AND ALL OTHERS)
11 SIMILARLY SITUATED,)

12 Plaintiffs,)

13 vs.)

14 NIBCO, INC.,)

15 Defendant.)

CASE NO. 13-CV-07871-FLW-TJB

16 DEPOSITION OF RAY SMINKEY

17 TAKEN ON BEHALF OF THE DEFENDANT

18 ON December 20, 2016, at 8:30 a.m.

19 IN LAWTON, OKLAHOMA

20 REPORTED BY DEBRA GARVER, CSR, RPR

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A P P E A R A N C E S

FOR THE PLAINTIFFS:
(via teleconference)

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EXHIBITS

NO. DESCRIPTION IDENTIFIED

EXHIBIT NUMBER 1 Notice 8

EXHIBIT NUMBER 2 Second Amendment Class . . . 8
Action Complaint

EXHIBIT NUMBER 3 Objections and Responses . . 8
to Interrogatories

* * * * *

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S T I P U L A T I O N S

It is hereby stipulated and agreed by and between the parties hereto that the deposition of RAY SMINKEY may be taken on behalf of the Defendant on December 20, 2016, in Lawton, Oklahoma, by Debra Garver, Certified Shorthand Reporter within and for the State of Oklahoma, pursuant to Notice.

It is further stipulated and agreed by and between the parties hereto that all objections except as to the form of the question or the responsiveness of the answer thereto made are reserved until the time of trial, at which time they may be made with the same force and effect as if made at the time of the taking of the deposition.

It is further stipulated and agreed by and between the parties hereto, that the time of filing of this deposition is expressly waived.

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RAY SMINKEY,

being duly sworn to tell the truth, testified as follows:

EXAMINATION

BY MS. STEPHENS:

Q. Good morning, Mr. Sminkey. My name is Rachel Stephens. I'm an attorney representing NIBCO in this matter for the defendant.

I'm going to be asking some questions today. And, again, because we're doing this as a phone deposition, I'm just going to go over some things that might help us have a more effective deposition today.

Can you hear me okay?

A. Yes.

Q. Okay. And did you bring some documents today with you?

A. The documents I brought were what were FedExed to me.

Q. Okay. I didn't hear any of that.

A. The documents I brought were what had been FedExed to me, the three exhibits and the cover letter. (Off record briefly.)

BY MS. STEPHENS:

Q. Good morning, Mr. Sminkey. Can you hear me this time?

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<p style="text-align: right;">Page 6</p> <p>1 A. Yes, ma'am. Can you hear me?</p> <p>2 Q. I can. Thank you. Let's just start again.</p> <p>3 Can you state your name for the record?</p> <p>4 A. Ray Sminkey.</p> <p>5 Q. Will you spell your last name, please?</p> <p>6 A. S-M-I-N-K-E-Y.</p> <p>7 Q. Mr. Sminkey, where do you live?</p> <p>8 A. Elgin, Oklahoma.</p> <p>9 Q. And what's your current address there?</p> <p>10 A. 1235 Red Rock Drive.</p> <p>11 Q. And how long have you lived at that particular</p> <p>12 location?</p> <p>13 A. Since early 2010.</p> <p>14 Q. Mr. Sminkey, have you ever had your deposition</p> <p>15 taken before?</p> <p>16 A. No.</p> <p>17 Q. All right. I'm just going to go over some</p> <p>18 basics that will hopefully make today go easier.</p> <p>19 You've met the court reporter this morning, and</p> <p>20 she's taking down, you know, everything that I say, the</p> <p>21 questions I ask and also your answers. And these</p> <p>22 transcripts may be used later in this lawsuit or in</p> <p>23 court under certain circumstances.</p> <p>24 Kyle may also interject at times and object to my</p> <p>25 question. Generally speaking, even if he objects, you</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Another thing is if you do answer my question,</p> <p>2 I'm going to assume that you understand it. So, again,</p> <p>3 please speak up. Okay?</p> <p>4 A. Okay.</p> <p>5 Q. All right. Mr. Sminkey, you mentioned before</p> <p>6 we took our little break that you brought some documents</p> <p>7 today. Can you identify how many documents they are and</p> <p>8 just generally what they are?</p> <p>9 (Exhibit Numbers 1, 2, and 3 marked and identified</p> <p>10 for the record.)</p> <p>11 THE WITNESS: They are the three exhibits plus</p> <p>12 the cover letter. Exhibit 1 being the</p> <p>13 Defendant's Notice of Deposition of Ray Sminkey.</p> <p>14 The second exhibit is the Second Amendment Class</p> <p>15 Action Complaint.</p> <p>16 And the third one is the Plaintiff Ray Sminkey's</p> <p>17 Objections and Responses to Defendant NIBCO</p> <p>18 Incorporated's First Set of Interrogatories.</p> <p>19 Q. (BY MS. STEPHENS) Interrogatories, that's a</p> <p>20 tough one.</p> <p>21 Okay. Thank you. And just to clarify for the</p> <p>22 record, these are documents that I sent you, with the</p> <p>23 agreement of your counsel, that have been premarked as</p> <p>24 exhibits for today's deposition. Is that your</p> <p>25 understanding?</p>
<p style="text-align: right;">Page 7</p> <p>1 still have to answer my question, except perhaps if he</p> <p>2 instructs you not to answer, for example.</p> <p>3 One of the big things is that you and I try to talk</p> <p>4 one at a time. I realize this is more difficult given</p> <p>5 that we're on the phone, but I'll try to make it clear</p> <p>6 when I'm done asking my question and I'll try to give</p> <p>7 you every opportunity to answer it. Does that sound</p> <p>8 fair?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Okay. The other thing, especially, again,</p> <p>11 since we're on the phone, is we need verbal responses</p> <p>12 today. So when you nod your head or shake your head,</p> <p>13 we're not there to see it and, also, it doesn't show up</p> <p>14 on a transcript.</p> <p>15 So I might follow up a question just to clarify</p> <p>16 whether that was a yes or no if I don't quite understand</p> <p>17 what answer you gave. Does that sound good?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Another thing I'm going to ask you to</p> <p>20 do is, if you don't understand one of my questions,</p> <p>21 please tell me so. And I'll try to rephrase it or</p> <p>22 clarify it in a way that makes sure that you understand</p> <p>23 the question and that you understand what you're</p> <p>24 answering. Does that sound okay?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 9</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 MS. STEPHENS: And, Kyle, that's your</p> <p>4 understanding as well?</p> <p>5 MR. SHAMBERG: Yes, it is.</p> <p>6 MS. STEPHENS: Okay. Great.</p> <p>7 Q. (BY MS. STEPHENS) Mr. Sminkey, what did you do</p> <p>8 to prepare for today's deposition?</p> <p>9 A. Talked with my lawyer yesterday and made sure</p> <p>10 that everything was ready to go for today.</p> <p>11 Q. Other than the documents you were sent by me,</p> <p>12 have you reviewed any other documents?</p> <p>13 A. No.</p> <p>14 Q. Did you discuss today with anyone other than</p> <p>15 your attorney as you were preparing for your deposition?</p> <p>16 A. No.</p> <p>17 Q. All right. If you'll just look at the first</p> <p>18 exhibit, which is -- which, again, you reference is the</p> <p>19 notice of your deposition today, I'm mostly interested</p> <p>20 in the first page.</p> <p>21 And you see at the top there's a bunch of names,</p> <p>22 and do you see your name there at the top of the page?</p> <p>23 It's what we call a caption.</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And do you recognize any of the other</p>

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<p style="text-align: right;">Page 10</p> <p>1 names of the plaintiffs listed there?</p> <p>2 A. No.</p> <p>3 Q. Do you know any of the other plaintiffs</p> <p>4 personally?</p> <p>5 A. No.</p> <p>6 Q. And, now, you see below there it says NIBCO,</p> <p>7 Inc., defendants. Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. And, again, I'm an attorney and I represent</p> <p>10 NIBCO in this lawsuit. And do you understand that NIBCO</p> <p>11 manufactures plumbing supplies?</p> <p>12 A. Yes.</p> <p>13 Q. Now, some other terms we might use today are</p> <p>14 PAC. Doug's the term "PEX" mean anything to you?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And what is PEX, to your understanding?</p> <p>17 A. PEX is a particular brand of piping.</p> <p>18 Q. Okay. Now, you used the term "piping," and</p> <p>19 this is another thing to clarify. I might use the term</p> <p>20 "piping" as well, or I might use the term "tubing," you</p> <p>21 know, we might change those a little bit, but do you</p> <p>22 understand that "tubing" and "piping" are essentially</p> <p>23 the same thing, at least in context of today's</p> <p>24 deposition?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Now, what lawyer in particular did you</p> <p>2 contact?</p> <p>3 A. Mr. Joseph Sauder.</p> <p>4 Q. Okay. And you said you did some research.</p> <p>5 Did you do that research on the internet?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And how did you go about doing that</p> <p>8 particular research?</p> <p>9 A. Did a couple Google searches for NIBCO piping</p> <p>10 or NIBCO tubing and then, you know, found that I wasn't</p> <p>11 the only one having problems with the pipes and found</p> <p>12 out there was a -- a lawsuit coming together.</p> <p>13 Q. Okay. Do you recall what websites in</p> <p>14 particular you found based on this Google search?</p> <p>15 A. No.</p> <p>16 Q. You just remember that you found Mr. Sauder's</p> <p>17 name and contacted him?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Do you recall about when that was, the</p> <p>20 month and year?</p> <p>21 A. I want to say November of 2013.</p> <p>22 Q. Okay. Mr. Sminkey, where did you grow up?</p> <p>23 What part of the country?</p> <p>24 A. Pennsylvania.</p> <p>25 Q. Okay. And how did you get your way to</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. Okay. And, now, you understand, sir, that you</p> <p>2 have sued NIBCO in a putative class action lawsuit? Do</p> <p>3 you understand that?</p> <p>4 A. Can you explain that one a little bit better,</p> <p>5 please?</p> <p>6 Q. Sure. Do you understand that -- that</p> <p>7 what's -- what plaintiffs are attempting to do in this</p> <p>8 case is represent other class members in addition to</p> <p>9 themselves?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And do you understand generally what</p> <p>12 allegations you have made against NIBCO?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And what, generally speaking, is your</p> <p>15 complaint against NIBCO in this case?</p> <p>16 A. That, you know, for what had occurred at the</p> <p>17 house, that it gets -- you know, it gets fixed. And if</p> <p>18 need be, you know, the manufacturing process or what</p> <p>19 else -- what caused the problem to be fixed.</p> <p>20 Q. Okay. And how did you become involved in this</p> <p>21 lawsuit?</p> <p>22 A. After -- after I had my issues, I had done</p> <p>23 some research and noticed that there was a lawsuit</p> <p>24 getting put together, and I contacted the lawyer and</p> <p>25 started doing the paperwork.</p>	<p style="text-align: right;">Page 13</p> <p>1 Oklahoma?</p> <p>2 A. Military service.</p> <p>3 Q. Okay. So when did you join the military?</p> <p>4 A. In 1997.</p> <p>5 Q. Okay. And which branch did you serve?</p> <p>6 A. Navy.</p> <p>7 Q. Okay. Let's back up just a little bit.</p> <p>8 Did you graduate from high school?</p> <p>9 A. Yes.</p> <p>10 Q. What year?</p> <p>11 A. 1997.</p> <p>12 Q. And then, upon graduation, did you enter the</p> <p>13 military directly after that?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Are you still actively serving in the</p> <p>16 Navy?</p> <p>17 A. No.</p> <p>18 Q. After you served in the Navy, what did you do</p> <p>19 after that?</p> <p>20 A. Went to work for the government.</p> <p>21 Q. Is that still what you're doing today, the</p> <p>22 same job?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And what is your current job?</p> <p>25 A. Radar instructor.</p>

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<p style="text-align: right;">Page 14</p> <p>1 Q. Can you explain to me what that means?</p> <p>2 A. I teach the Army radar maintenance.</p> <p>3 Q. And is that similar to what you did when you</p> <p>4 were in the Navy?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. So you're no longer actively serving in</p> <p>7 the Navy, but you instruct the Army regarding radar</p> <p>8 maintenance. Is that accurate?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And how long have you been doing that?</p> <p>11 A. Just shy of ten years.</p> <p>12 Q. Is there a location down there? Is there a</p> <p>13 base in particular that you do this at?</p> <p>14 A. Fort Sill.</p> <p>15 Q. Okay. Right there near Lawton; is that</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. Do you have any experience with construction?</p> <p>19 A. No.</p> <p>20 Q. Okay. What about plumbing?</p> <p>21 A. No.</p> <p>22 Q. The house that you have lived in since early</p> <p>23 2010, was that a new house that was built?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And did you help design or plan that</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. Okay. Does he run a company or is he a single</p> <p>2 individual?</p> <p>3 A. I couldn't tell you.</p> <p>4 Q. When you were buying the house from</p> <p>5 Mr. Hoffepaur, were you told what kind of plumbing was</p> <p>6 in the house?</p> <p>7 A. No.</p> <p>8 Q. Had you ever heard of PEX plumbing before you</p> <p>9 had issues with the plumbing in the house?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Did you have a previous house with that</p> <p>12 material or how did you already know about PEX?</p> <p>13 A. I was talking to a couple friends of mine and</p> <p>14 they were talking about PEX piping.</p> <p>15 Q. Just talking about it in general or what was</p> <p>16 -- can you provide me a little more context?</p> <p>17 A. It was just talking about it in general.</p> <p>18 Q. Okay. When was that conversation?</p> <p>19 A. Before I bought the house.</p> <p>20 Q. Okay. Did you ask Mr. Hoffepaur what kind of</p> <p>21 plumbing there was in the house --</p> <p>22 A. No.</p> <p>23 Q. -- before you bought it? Okay.</p> <p>24 When did you first learn that your house had PEX</p> <p>25 piping?</p>
<p style="text-align: right;">Page 15</p> <p>1 house or was it something that you bought already</p> <p>2 designed?</p> <p>3 A. Bought it already built.</p> <p>4 Q. But you were the first occupant of that house?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Can you generally describe the house to</p> <p>7 me? For example, like how many stories, how many</p> <p>8 bedrooms and bathrooms.</p> <p>9 A. Single story, three bedrooms, two bathrooms.</p> <p>10 Q. Does it have a basement?</p> <p>11 A. No.</p> <p>12 Q. How about an attic?</p> <p>13 A. Yes.</p> <p>14 Q. To your understanding, is there any plumbing</p> <p>15 that runs through the attic or is it all underground and</p> <p>16 through the walls?</p> <p>17 A. There's no plumbing in the attic.</p> <p>18 Q. Okay. Who did you buy your house from in</p> <p>19 Elgin?</p> <p>20 A. Jesse Hoffepaur.</p> <p>21 Q. Can you spell that last name, or attempt to?</p> <p>22 A. H-O-F-F-E-P-A-I-R [sic].</p> <p>23 Q. Okay. And does Jesse Hoffepaur -- is he a</p> <p>24 homebuilder or what's the connection there?</p> <p>25 A. A homebuilder.</p>	<p style="text-align: right;">Page 17</p> <p>1 A. The night the first pipe burst.</p> <p>2 Q. Okay. And do you recall approximately what</p> <p>3 day that was?</p> <p>4 A. No.</p> <p>5 Q. When is the first time you discovered what</p> <p>6 brand you believed was installed in your home?</p> <p>7 A. The same time the first pipe got cut out,</p> <p>8 after it was -- the original repair.</p> <p>9 Q. Is that the first you'd ever heard of NIBCO?</p> <p>10 A. Yes.</p> <p>11 Q. Had you owned a home before you owned the home</p> <p>12 in Elgin, Oklahoma?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And where was that home located?</p> <p>15 A. Waltz Island, Virginia.</p> <p>16 Q. Okay. Was that new construction or an older</p> <p>17 home?</p> <p>18 A. Older home.</p> <p>19 Q. Do you know what kind of plumbing you had in</p> <p>20 that particular house in Virginia?</p> <p>21 A. No.</p> <p>22 Q. Did you ever have any plumbing issues or leaks</p> <p>23 in that home?</p> <p>24 A. No.</p> <p>25 Q. Have you ever lived in or owned a home that's</p>

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<p style="text-align: right;">Page 18</p> <p>1 had plumbing issues before the home in Elgin, Oklahoma?</p> <p>2 A. No.</p> <p>3 Q. Sir, if you would, refer to Exhibit 2, which</p> <p>4 is the large document, the Second Amended Class Action</p> <p>5 Complaint. Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. I'm going to ask you please, sir, to</p> <p>8 turn to page 14. And do you see on page 14, your name</p> <p>9 at the top says Ray Sminkey and then it has a bunch of</p> <p>10 numbered paragraphs?</p> <p>11 A. One second, please.</p> <p>12 Q. No problem.</p> <p>13 A. Okay. Yes.</p> <p>14 Q. Sir, if you could review page 14, and then it</p> <p>15 continues on to page 15. Please review that little</p> <p>16 section for me and then I'll ask some questions. Just</p> <p>17 let me know when you're ready, okay?</p> <p>18 A. Okay.</p> <p>19 (Brief pause.)</p> <p>20 Okay.</p> <p>21 Q. Sir, do these paragraphs look familiar to you?</p> <p>22 Have you seen them before?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Do you believe you reviewed these</p> <p>25 paragraphs before the complaint was filed in this case?</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Okay. Do you know who installed the plumbing</p> <p>2 in your house in Elgin?</p> <p>3 A. All Star Plumbing.</p> <p>4 Q. Okay. And how do you know that?</p> <p>5 A. It was on the list of installers I got when I</p> <p>6 bought the house.</p> <p>7 Q. Okay. So when you bought the house, you were</p> <p>8 provided some information about, perhaps, people who</p> <p>9 worked on the house during the construction?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Do you still have that information?</p> <p>12 A. Not with me.</p> <p>13 Q. But, in general, somewhere in your home or</p> <p>14 wherever you keep your records, you have that list?</p> <p>15 A. Yes.</p> <p>16 Q. Does it just have the name of the company or</p> <p>17 do you recall whether it also named the person who</p> <p>18 actually installed the plumbing?</p> <p>19 A. Just the company.</p> <p>20 Q. Now, in paragraph 70, it says Plaintiff</p> <p>21 Sminkey's residential plumbing system was installed</p> <p>22 using NIBCO PEX tubing. Do you see that paragraph?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Again, you said previously the first</p> <p>25 you'd heard of NIBCO was after the first week in your</p>
<p style="text-align: right;">Page 19</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And do you believe you provided the</p> <p>3 information that's contained in these paragraphs?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. I wanted to start with paragraphs 68</p> <p>6 and 69. It has some information there about the</p> <p>7 construction of your home in Elgin, Oklahoma, and when</p> <p>8 the plumbing was installed.</p> <p>9 What is the basis of -- where did you get that</p> <p>10 information?</p> <p>11 A. That information -- I'm going to guess because</p> <p>12 probably came from the lawyer.</p> <p>13 Q. Okay. So you're not -- you don't know when</p> <p>14 your house was built and when the plumbing was put in?</p> <p>15 A. I knew it was built, put in before 2009.</p> <p>16 Q. Okay. Now, if you look at paragraph 69, it</p> <p>17 says installation of a plumbing system was substantially</p> <p>18 completed before December 2008. Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Is that information that you knew or</p> <p>21 you know today?</p> <p>22 A. I know it now.</p> <p>23 Q. Okay. But you didn't know it until perhaps</p> <p>24 someone else did some research for you; is that correct?</p> <p>25 A. That's correct.</p>	<p style="text-align: right;">Page 21</p> <p>1 home. Is that correct?</p> <p>2 A. That is correct.</p> <p>3 Q. Okay. Do you know whether there are other</p> <p>4 NIBCO products installed other than tubing?</p> <p>5 A. I don't know.</p> <p>6 Q. Okay. Now, in paragraph 71, it says Plaintiff</p> <p>7 Sminkey hired a licensed professional contractor to</p> <p>8 install the plumbing system in his home. Do you see</p> <p>9 that paragraph?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. But you actually did not hire All Star</p> <p>12 Plumbing. That person was hired by the contractor of</p> <p>13 your house; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And, again, the contractor was this</p> <p>16 Jesse Hoffepaur?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. When you bought the house from Jesse</p> <p>19 Hoffepaur or you were perhaps negotiating to buy the</p> <p>20 house, were you given some sort of overall quote for the</p> <p>21 house or were you given kind of a breakdown of how much</p> <p>22 each part cost and then how much they were going to</p> <p>23 charge you?</p> <p>24 MR. SHAMBERG: Object to the form.</p> <p>25 You can answer, Ray.</p>

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<p style="text-align: right;">Page 22</p> <p>1 THE WITNESS: Well, it was just the overall</p> <p>2 cost of the house.</p> <p>3 Q. (BY MS. STEPHENS) Was the list of the</p> <p>4 contractors, which included All Star Plumbing, ever</p> <p>5 provided to you before you bought the house or after you</p> <p>6 bought the house?</p> <p>7 A. After.</p> <p>8 Q. And do you know whether All Star Plumbing is a</p> <p>9 licensed professional contractor?</p> <p>10 A. I don't know.</p> <p>11 Q. And do you know who from All Star Plumbing</p> <p>12 installed the plumbing in your house?</p> <p>13 A. No.</p> <p>14 Q. Now, in paragraph 72, it says the installation</p> <p>15 of the plumbing system had been completed and that you</p> <p>16 moved into the house in February 2009. Is that true?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And the house in Elgin has been your</p> <p>19 primary residence since then?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And who else lives in the home?</p> <p>22 A. My wife and children.</p> <p>23 Q. Now, if we look at the next paragraph,</p> <p>24 paragraph 73, does that paragraph help refresh your</p> <p>25 recollection of when the first leak occurred in the</p>	<p style="text-align: right;">Page 24</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And then you have a bunch of equipment</p> <p>3 and other things, and kind of in the middle of the</p> <p>4 garage at the back there's a door that you can see</p> <p>5 the -- at least the water heater; is that true?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And then you said this particular leak</p> <p>8 that you observed in November of 2013 was coming off the</p> <p>9 top of the water heater; is that correct?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So the PEX tubing itself was connected</p> <p>12 directly to the water heater -- I mean, with a fitting</p> <p>13 and all that?</p> <p>14 A. It was connected to a copper pipe, which was</p> <p>15 connected to the water heater.</p> <p>16 Q. Okay. So the water heater was -- you know, it</p> <p>17 stands, you know, however many feet tall. And off the</p> <p>18 top of it, there's a copper pipe. And then connected to</p> <p>19 that copper pipe was a PEX piece of pipe; is that</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. You said at that connection point was</p> <p>23 where the leak was --</p> <p>24 A. It was --</p> <p>25 Q. -- between the copper and the -- yeah?</p>
<p style="text-align: right;">Page 23</p> <p>1 plumbing in your house in Elgin?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And that date is specifically what day?</p> <p>4 A. November 5, 2013.</p> <p>5 Q. Okay. Can you explain to me what you observed</p> <p>6 when you observed this water leak on November 5th, 2013?</p> <p>7 A. Me and my wife were getting ready -- winding</p> <p>8 down for the day, and it sounded like it was raining</p> <p>9 outside. Walked into the garage and noticed that my</p> <p>10 garage was becoming -- you know, getting wet.</p> <p>11 When I went to look at -- go shut the water off, I</p> <p>12 noticed that the hose above the water heater had burst.</p> <p>13 Q. Okay. When you say "burst," what do you mean?</p> <p>14 Like, was the pipe split or had it come out of its</p> <p>15 fitting? Can you describe specifically what you mean?</p> <p>16 A. It had a hole in it and water come out.</p> <p>17 Q. All right. I want to just back up a little</p> <p>18 bit. The water heater in your home is located in your</p> <p>19 garage -- or off your garage; is that correct?</p> <p>20 A. That's correct.</p> <p>21 Q. Okay. And so if I was looking at your</p> <p>22 garage -- like if I'm standing outside looking into your</p> <p>23 garage with the garage door open, on the left-hand side</p> <p>24 there would be like a door that probably leads to the</p> <p>25 inside; is that correct?</p>	<p style="text-align: right;">Page 25</p> <p>1 A. Sorry. It was along that pipe.</p> <p>2 Q. And when you say "along that pipe," like</p> <p>3 where -- okay, if we start at the -- if the copper pipe</p> <p>4 is, you know, the lowest point -- the connection point</p> <p>5 between those two points, the pipe and the PEX, where --</p> <p>6 how many inches do you think up from that connection</p> <p>7 point was the leak?</p> <p>8 A. I can't recall. I know it wasn't on the</p> <p>9 connection point itself.</p> <p>10 Q. Was it less than a foot or more than a foot?</p> <p>11 A. I don't remember.</p> <p>12 Q. How much is visible coming off that -- of the</p> <p>13 pipe -- the PEX pipe itself, how much of it is visible</p> <p>14 before it disappears into the wall?</p> <p>15 A. Say probably about 2-foot.</p> <p>16 Q. Okay. So total --</p> <p>17 MR. SHAMBERG: Sorry, did you mean now or at</p> <p>18 the time that that leak occurred? I don't know if</p> <p>19 there's a difference, just to clarify.</p> <p>20 MS. STEPHENS: That's a good question. That's</p> <p>21 a good clarification. Thanks, Kyle.</p> <p>22 Q. (BY MS. STEPHENS) So let me ask my question</p> <p>23 again, Mr. Sminkey.</p> <p>24 At the time of this leak in November 2013, is your</p> <p>25 answer the same, about 2 feet between the copper pipe</p>

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<p style="text-align: right;">Page 26</p> <p>1 and before the pipe -- the PEX pipe disappeared into the</p> <p>2 wall?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. So somewhere in that 2 feet is the leak</p> <p>5 that you observed in November 2013; is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And you said, again, it wasn't at the</p> <p>8 connection point, it was somewhere within that range.</p> <p>9 And you said there was a hole in the pipe and water was</p> <p>10 coming out; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. What did you do upon observing that</p> <p>13 leak?</p> <p>14 A. Shut the main off to the house.</p> <p>15 Q. Okay. And then what did you do next?</p> <p>16 A. Started cleaning water.</p> <p>17 Q. Okay. And did you call a plumber at all?</p> <p>18 A. I got ahold of my home warranty company.</p> <p>19 Q. Okay. And who is your home warranty company?</p> <p>20 A. American Home Shield.</p> <p>21 Q. And was that the same home warranty company</p> <p>22 you had back 2013 that you were referring to?</p> <p>23 A. Yes.</p> <p>24 Q. Do you still have a policy with American Home</p> <p>25 Shield?</p>	<p style="text-align: right;">Page 28</p> <p>1 MR. SHAMBERG: Rachel, if there's anything you</p> <p>2 end up needing to request, if you just send the request</p> <p>3 to me in writing, I can work with Mr. Sminkey to get</p> <p>4 those things.</p> <p>5 MS. STEPHENS: Will do. And I've been working</p> <p>6 on one for the others, so I will probably combine them</p> <p>7 all.</p> <p>8 MR. SHAMBERG: Okay.</p> <p>9 Q. (BY MS. STEPHENS) All right. So, Mr. Sminkey,</p> <p>10 back to the this November 5th, 2013, link, was it in the</p> <p>11 evening? Is that what I heard you say?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. So you contacted your home warranty</p> <p>14 company that evening?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And what did they do in response?</p> <p>17 A. They sent out a plumber to investigate and to</p> <p>18 fix the problem.</p> <p>19 Q. Do you know the name of the company or the</p> <p>20 plumber that they had?</p> <p>21 A. No.</p> <p>22 Q. Do you know what that plumber did to fix the</p> <p>23 problem?</p> <p>24 A. He replaced the pipe.</p> <p>25 Q. So the pipe that was coming off the water</p>
<p style="text-align: right;">Page 27</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And is it the same policy you had back</p> <p>3 in 2013?</p> <p>4 A. Can you clarify that one a little bit?</p> <p>5 Q. Sure. I mean, have you -- do you believe it's</p> <p>6 the same policy and that you've perhaps just been</p> <p>7 renewing it every year since you bought the house?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And have you had that American Home</p> <p>10 Shield policy since you bought the house?</p> <p>11 A. We -- pretty sure we picked it up a year after</p> <p>12 we bought the house.</p> <p>13 Q. Okay. Do you know the policy number</p> <p>14 currently?</p> <p>15 A. No.</p> <p>16 Q. Okay. Do you have any documents at home or</p> <p>17 that you can access perhaps online that would tell you</p> <p>18 the policy number?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. There's going to be some things,</p> <p>21 Mr. Sminkey, that I might follow up with your counsel</p> <p>22 afterwards, and I -- sometime occasionally today I might</p> <p>23 note those, but I'm not asking you to go do that right</p> <p>24 now. Just wanted you to be aware of that. Okay?</p> <p>25 A. Okay.</p>	<p style="text-align: right;">Page 29</p> <p>1 heater was replaced with another length of PEX tubing?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Do you know what brand the plumber used</p> <p>4 for the replacement pipe?</p> <p>5 A. No.</p> <p>6 Q. Is that the same pipe that is still in your</p> <p>7 home?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And just to clarify and make sure I'm</p> <p>10 understanding, so the first leak you had, this plumber</p> <p>11 came out, looked at the problem, replaced the pipe. And</p> <p>12 that pipe that he put in is still coming off the water</p> <p>13 heater; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And then that particular length of pipe</p> <p>16 disappears up into the ceiling or the wall?</p> <p>17 A. No, it was replaced to the wall.</p> <p>18 Q. Okay. The original pipe that was leaking, the</p> <p>19 NIBCO PEX pipe, what color was it?</p> <p>20 A. Red.</p> <p>21 Q. And at the time this plumber came out to</p> <p>22 investigate and fix the problem, is that when you first</p> <p>23 learned that it was a NIBCO pipe that was installed in</p> <p>24 your home?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">Page 30</p> <p>1 Q. Okay. Did the plumber tell you that or is</p> <p>2 that something you observed yourself?</p> <p>3 A. That is something I observed.</p> <p>4 Q. Okay. And what did you observe in particular</p> <p>5 to learn that?</p> <p>6 A. The company marking on the side of the pipe.</p> <p>7 Q. Did you keep that particular pipe that had</p> <p>8 been taken out of your system?</p> <p>9 A. I don't remember.</p> <p>10 Q. So that particular pipe related to the first</p> <p>11 leak that was taken out, you're not sure what happened</p> <p>12 to it? You just don't remember?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. Now, a part of your American Home</p> <p>15 Shield warranty, did you have to pay a deductible to the</p> <p>16 plumber?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And do you recall how much that was?</p> <p>19 A. \$125.</p> <p>20 Q. Do you pay that on the spot?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And do you know how much the plumber</p> <p>23 ultimately charged for the work that he did at your</p> <p>24 house for that first leak?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 32</p> <p>1 A. No.</p> <p>2 Q. What about the water that had leaked into the</p> <p>3 master bedroom, what did you do to clean up that?</p> <p>4 A. Pulled up the carpeting and the -- and</p> <p>5 dried -- cleaned it up and dried it out.</p> <p>6 Q. All right. And same question: Did you rent</p> <p>7 any equipment or hire anyone to help you with that</p> <p>8 cleanup?</p> <p>9 A. No.</p> <p>10 Q. Did you have to throw away any items in your</p> <p>11 master bedroom as a result of that water damage?</p> <p>12 A. No.</p> <p>13 Q. Other than calling your home warranty company,</p> <p>14 did you make any insurance claims on your policy?</p> <p>15 A. No.</p> <p>16 Q. Okay. So just to make sure I understand, the</p> <p>17 first leak on November 5th, 2013, you had some water</p> <p>18 damage in the garage and the master bedroom, and you</p> <p>19 kind of just let it air out and dry up.</p> <p>20 And you had to throw away some items in the garage,</p> <p>21 but you don't recall what those items were.</p> <p>22 Is that a general summary?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. After this first leak on November 5th,</p> <p>25 2013, and you had seen the pipe and seen the word NIBCO</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. The home warranty covered the rest; is that</p> <p>2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Now, the water that had leaked, that</p> <p>5 had just leaked into your garage?</p> <p>6 A. One more time, please?</p> <p>7 Q. Sure. So you had this first leak on</p> <p>8 November 5th, 2013. The water that was leaking out of</p> <p>9 the pipe, did it all flow into your garage or where did</p> <p>10 it travel to?</p> <p>11 A. To the garage and the master bedroom.</p> <p>12 Q. Okay. Is the master bedroom, like, on the</p> <p>13 other side of the wall from the water heater?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Now, what all did you do to clean up in</p> <p>16 the garage?</p> <p>17 A. Basically, vacuum the water, had to throw</p> <p>18 things away that were destroyed, and just dry out the</p> <p>19 garage.</p> <p>20 MR. SHAMBERG: Object to the form.</p> <p>21 Q. (BY MS. STEPHENS) Okay. Did you rent the</p> <p>22 equipment or hire anybody to help you with that?</p> <p>23 A. No.</p> <p>24 Q. Okay. Do you recall what items you had to</p> <p>25 throw away?</p>	<p style="text-align: right;">Page 33</p> <p>1 on it, did you contact NIBCO?</p> <p>2 A. No.</p> <p>3 Q. Did you research NIBCO at all at that time?</p> <p>4 A. No.</p> <p>5 Q. Did the plumber who came out to investigate</p> <p>6 the issue and fix the leak, did you discuss with him at</p> <p>7 all what he thought was the problem?</p> <p>8 A. I'm sure I did, but I can't remember --</p> <p>9 Q. Do you recall at all what he might have told</p> <p>10 you? Sorry.</p> <p>11 A. No.</p> <p>12 Q. After this first leak, did you research and</p> <p>13 find Mr. Sauder, or did that happen later?</p> <p>14 A. Later.</p> <p>15 Q. Okay. All right. If we're referring back to</p> <p>16 Exhibit 2, which is the second amended complaint, do you</p> <p>17 see paragraph 74?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And it says, The following week,</p> <p>20 Plaintiff Sminkey observed two additional water leaks in</p> <p>21 the same residential hot water line coming off the hot</p> <p>22 water heater in Plaintiff Sminkey's garage.</p> <p>23 Is that a general description of the next two leaks</p> <p>24 in your home?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">Page 34</p> <p>1 Q. Okay. So the following week, did you observe</p> <p>2 these two leaks at the same time or did they happen on</p> <p>3 different days?</p> <p>4 A. They occurred on different days.</p> <p>5 Q. Do you recall how many days apart?</p> <p>6 A. No.</p> <p>7 Q. Okay. All right. Well, let's start with the</p> <p>8 second leak -- I mean, the second leak that you</p> <p>9 observed.</p> <p>10 Where on that hot waterline coming off the heater</p> <p>11 did you observe that particular leak?</p> <p>12 A. I think it was the pipe underneath the hot</p> <p>13 water heater going into the main line.</p> <p>14 Q. All right. As you recall, it was the pipe</p> <p>15 under the water heater this time; is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Now, what color was that pipe?</p> <p>18 A. Red.</p> <p>19 Q. Was that pipe connected directly to the water</p> <p>20 heater or was there, again, like a copper connection?</p> <p>21 A. That pipe went to the wall behind the water</p> <p>22 heater.</p> <p>23 Q. All right. I'm not sure if I understand what</p> <p>24 you're saying. So this -- this leak number 2 was in the</p> <p>25 pipe under the water heater and it was connected to the</p>	<p style="text-align: right;">Page 36</p> <p>1 the middle of the piping?</p> <p>2 A. Yes.</p> <p>3 Q. Do you recall whether the pipe had like a</p> <p>4 split in it or like a hole?</p> <p>5 A. It was a split.</p> <p>6 Q. What time of day did you observe this second</p> <p>7 leak?</p> <p>8 A. Afternoon.</p> <p>9 Q. And how did you become aware of this leak?</p> <p>10 Was there water coming into the garage again?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. What about the water going into the</p> <p>13 master bedroom?</p> <p>14 A. No.</p> <p>15 Q. Okay. So the second leak, you observed water</p> <p>16 coming into the garage, and you found the leak coming</p> <p>17 from the pipe underneath the water heater; is that</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. What did you do after you observed this second</p> <p>21 leak?</p> <p>22 A. Shut the water off at the main and called</p> <p>23 American Home Shield.</p> <p>24 Q. Okay. And did they send out a plumber again?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 35</p> <p>1 water heater; is that correct?</p> <p>2 A. It wasn't directly connected to the water</p> <p>3 heater.</p> <p>4 Q. Okay. So where -- go ahead.</p> <p>5 A. Trying to think of the easiest way to explain</p> <p>6 it over the phone.</p> <p>7 The original pipe was on top, connected to a length</p> <p>8 of pipe that goes down the drywall. And then the pipe</p> <p>9 underneath coming from the drywall going into the</p> <p>10 concrete, that was the second pipe that burst.</p> <p>11 Q. Okay. Now, and just so I understand, your</p> <p>12 water heater is up on kind of like a wooden platform; is</p> <p>13 that correct?</p> <p>14 A. Yes.</p> <p>15 Q. So if you look below that, you can see some of</p> <p>16 the piping underneath it; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Was the pipe that you observed leaking</p> <p>19 for the second leak, was it curved or was it straight?</p> <p>20 A. I don't remember.</p> <p>21 Q. Okay. Can you describe the leak to me that</p> <p>22 you observed?</p> <p>23 A. The same type of leak that happened in the</p> <p>24 first.</p> <p>25 Q. So it wasn't at a connection point, it was in</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. Was it the same company as the first time or a</p> <p>2 different company?</p> <p>3 A. Same company.</p> <p>4 Q. And do you recall what the plumber did to fix</p> <p>5 the second leak?</p> <p>6 A. They replaced a section of pipe.</p> <p>7 Q. Do you recall what color the replacement pipe</p> <p>8 is?</p> <p>9 A. Red.</p> <p>10 Q. Do you believe that replacement tubing is</p> <p>11 still in your home?</p> <p>12 A. I believe so.</p> <p>13 Q. And was this PEX piping that he installed to</p> <p>14 fix the second leak, was it in that exposed area under</p> <p>15 the water heater or was it inside the wall?</p> <p>16 A. It was in the exposed area.</p> <p>17 Q. Okay. So, again, underneath that wooden</p> <p>18 platform where the water heater is, he was able to</p> <p>19 access that area and get in there and put replacement</p> <p>20 pipe in there. Is that your understanding?</p> <p>21 A. Yes.</p> <p>22 Q. Did you, once again, pay the deductible, the</p> <p>23 \$125?</p> <p>24 A. No.</p> <p>25 Q. You didn't have to pay the deductible the</p>

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<p style="text-align: right;">Page 38</p> <p>1 second time?</p> <p>2 A. No.</p> <p>3 Q. Okay. And why is that, do you know?</p> <p>4 A. My understanding, it was within 30 days of the</p> <p>5 first pipe being burst.</p> <p>6 Q. Okay. Do you know what brand -- did the</p> <p>7 replacement pipe -- was that once again a PEX material?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Do you know what brand it was, or is?</p> <p>10 A. No.</p> <p>11 Q. What, if any, property in your home was</p> <p>12 damaged as a result of this second leak?</p> <p>13 A. None.</p> <p>14 Q. But you just maybe had to let some stuff dry</p> <p>15 out a little bit, but other than that you didn't have to</p> <p>16 throw anything away?</p> <p>17 A. As far as I remember, yes.</p> <p>18 Q. Okay. Do you know what happened to the pipe</p> <p>19 that the plumber took out of your home when he fixed the</p> <p>20 second leak?</p> <p>21 A. No.</p> <p>22 Q. Do you believe he kept it or do you believe</p> <p>23 you -- it was retained by the plumber?</p> <p>24 A. I don't remember.</p> <p>25 Q. Okay. After the second leak, did you also</p>	<p style="text-align: right;">Page 40</p> <p>1 A. In the evening.</p> <p>2 Q. And where were you in the house when you heard</p> <p>3 this happen?</p> <p>4 A. In one of the bedrooms.</p> <p>5 Q. And did you again contact American Home</p> <p>6 Shield?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And where was the third leak?</p> <p>9 A. Inside the drywall.</p> <p>10 Q. Inside the drywall in what part of the house?</p> <p>11 A. Behind the water heater.</p> <p>12 Q. Is that the wall that separates the water</p> <p>13 heater and the master bedroom?</p> <p>14 A. Yes.</p> <p>15 Q. And did the plumber come out that same evening</p> <p>16 to fix leak number 3?</p> <p>17 A. No.</p> <p>18 Q. Okay. How about the next day?</p> <p>19 A. Yes.</p> <p>20 Q. So you shut the water off and the plumber came</p> <p>21 the next day to fix it; is that correct?</p> <p>22 A. It was either the next day or the day after.</p> <p>23 I remember that they didn't come out directly that</p> <p>24 evening.</p> <p>25 Q. Okay. On the first two leaks, they came out</p>
<p style="text-align: right;">Page 39</p> <p>1 observe that pipe and did you see the word "NIBCO" on</p> <p>2 that as well?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And after observing that, did you</p> <p>5 contact NIBCO at all?</p> <p>6 A. No.</p> <p>7 Q. Did you do any research regarding NIBCO tubing</p> <p>8 at that point?</p> <p>9 A. Yeah.</p> <p>10 Q. Okay. So following the second leak, you</p> <p>11 believe that's when you did the research that you</p> <p>12 mentioned to me earlier and you found Mr. Sauder's name?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Now, paragraph 74 says there were two</p> <p>15 additional water leaks. So we just discussed leak</p> <p>16 number 2, and then I guess a few days later -- you're</p> <p>17 not totally sure how many days later -- there was a</p> <p>18 third leak; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. And can you describe to me how you observed or</p> <p>21 discovered the leak number 3?</p> <p>22 A. I heard the pipe burst in the garage and went</p> <p>23 out and shut the water off.</p> <p>24 Q. What time of day did this -- did you hear this</p> <p>25 pipe burst?</p>	<p style="text-align: right;">Page 41</p> <p>1 the same day; is that correct?</p> <p>2 A. Within 24 hours.</p> <p>3 Q. Okay. Great.</p> <p>4 Was it the same company, the same plumber, that</p> <p>5 came out to fix leak number 3 as the first two leaks?</p> <p>6 A. Yes.</p> <p>7 Q. Do you recall whether it was the same actual</p> <p>8 plumber?</p> <p>9 A. I don't recall.</p> <p>10 Q. Was it a man each time?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And you said this was inside the dry</p> <p>13 wall, the third leak. How did the plumber fix leak</p> <p>14 number 3?</p> <p>15 A. Replaced the pipe that went from the</p> <p>16 connection -- from the original connection point at the</p> <p>17 top of the drywall to the bottom of the drywall. He</p> <p>18 replaced the pipe all the way -- he replaced the length</p> <p>19 of pipe and the dry wall.</p> <p>20 Q. So they have to cut into the wall to do that?</p> <p>21 A. Yes.</p> <p>22 Q. The pipe that was leaking, do you recall what</p> <p>23 color it was?</p> <p>24 A. Red.</p> <p>25 Q. And the length that was replaced, it went the</p>

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<p style="text-align: right;">Page 42</p> <p>1 height of the wall; is that what you recall? However --</p> <p>2 8 feet or whatever how tall that is?</p> <p>3 A. Say, approximately about 6-foot.</p> <p>4 Q. Okay. So the length of pipe that was removed</p> <p>5 was about 6 feet and wrecked; is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And where in that 6-foot span do you</p> <p>8 recall the leak being?</p> <p>9 A. I don't remember.</p> <p>10 Q. Okay. Was it in the middle or was it closer</p> <p>11 to a connection point?</p> <p>12 A. I don't remember.</p> <p>13 Q. Did you observe at all the leak? Like, for</p> <p>14 instance, was there a split in the pipe or a hole in the</p> <p>15 pipe?</p> <p>16 A. I don't remember.</p> <p>17 Q. But you recall hearing the burst itself; is</p> <p>18 that correct?</p> <p>19 A. Yes.</p> <p>20 Q. Did you have to pay the plumber a deductible</p> <p>21 for this leak?</p> <p>22 A. No.</p> <p>23 Q. And for the same reason you believe that you</p> <p>24 said previously, that it was within the same 30 days?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 44</p> <p>1 repainting; is that correct?</p> <p>2 A. New patch where they had cut out.</p> <p>3 Q. Okay. And was that on the map to bedroom</p> <p>4 side?</p> <p>5 A. No.</p> <p>6 Q. Okay. So that was on the water heater side?</p> <p>7 A. Yes.</p> <p>8 Q. Did that leak number 3, other than the wall</p> <p>9 itself that had to be cut open for the repair, was there</p> <p>10 any other damage to your home?</p> <p>11 A. Just the wet insulation that we had to dry</p> <p>12 out.</p> <p>13 Q. You didn't have to replace any, you just had</p> <p>14 to let it dry out before you could maybe put the wall</p> <p>15 back together?</p> <p>16 A. Yes.</p> <p>17 Q. For these three leaks that we've talked about</p> <p>18 so far, other than the original deductible that you paid</p> <p>19 to the plumber, did you incur any out-of-pocket</p> <p>20 experiences related to those leaks?</p> <p>21 A. Not that I remember.</p> <p>22 Q. And you don't recall any of the property in</p> <p>23 your garage that you might have had to throw out? You</p> <p>24 don't recall what you had to throw out?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. Okay. Did you once again observe the word</p> <p>2 "NIBCO" on the pipe that was removed from your house?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Do you know what happened to that</p> <p>5 6-foot span that was removed?</p> <p>6 A. I think that span had got sent off to</p> <p>7 Mr. Sauder's experts.</p> <p>8 Q. Okay. After leak number 3, did you contact</p> <p>9 NIBCO?</p> <p>10 A. No.</p> <p>11 Q. Have you ever contacted NIBCO regarding leaks</p> <p>12 in your house?</p> <p>13 A. No.</p> <p>14 Q. So the plumber came out, replaced that pipe.</p> <p>15 Did the plumber use PEX tubing again?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And do you know what color the new pipe</p> <p>18 was, or is?</p> <p>19 A. No.</p> <p>20 Q. Do you know what brand it is?</p> <p>21 A. No.</p> <p>22 Q. After the plumber did that repair, who</p> <p>23 repaired the wall?</p> <p>24 A. I did.</p> <p>25 Q. So you put up new drywall, maybe did some</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. So at this point we're basically in</p> <p>2 November 2013, mid November. After leak number 3, did</p> <p>3 you have -- have you had any other leaks in the plumbing</p> <p>4 in your house?</p> <p>5 A. No.</p> <p>6 Q. Sir, could you look at Exhibit 2 and flip the</p> <p>7 page to page 15, please.</p> <p>8 A. Okay.</p> <p>9 Q. Can you look at paragraph 76, that second</p> <p>10 sentence. It mentions that -- it says that the drywall</p> <p>11 and insulation were soaked and replaced as a result of a</p> <p>12 water leak, and some household goods that were stored in</p> <p>13 the garage needed to be replaced. Do you see that</p> <p>14 sentence?</p> <p>15 A. Yes.</p> <p>16 Q. And that's basically what we just talked</p> <p>17 about. You said you had to do some drywall replacement,</p> <p>18 you had to let the insulation dry out a little bit; is</p> <p>19 that correct?</p> <p>20 A. Yes.</p> <p>21 Q. Now, did you actually replace any household</p> <p>22 goods that you recall or did you just throw them away?</p> <p>23 A. They were thrown away.</p> <p>24 Q. Okay. Based on these three leaks, other than</p> <p>25 making, you know, a claim with your home warranty</p>

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<p style="text-align: right;">Page 46</p> <p>1 company, American Home Shield, did you make any 2 insurance claims under your home policy? 3 A. No. 4 Q. This leak number 3, you said, was running up 5 the wall. Do you know, was that particular pipe 6 connected to the water heater or was it further down in 7 the system? 8 A. It was -- it wasn't the pipe directly to the 9 water heater. It was the secondary pipe off the water 10 heater. 11 Q. Okay. So the first pipe comes off the top of 12 the water heater and then there's maybe a connection 13 point. And that pipe related to the third leak is 14 connected to that first connection point? 15 A. Yes. 16 Q. Do you know whether any of the fittings in 17 your home were replaced when leaks 1, 2, or 3 were 18 worked on by the plumber? 19 A. I don't know. 20 Q. Do you know what brand of fittings were 21 installed in your home originally? 22 A. No. 23 Q. Are you complaining in this lawsuit about any 24 issues with the fittings in your home? 25 A. I don't think so.</p>	<p style="text-align: right;">Page 48</p> <p>1 kind of website you found? 2 A. No. 3 MS. STEPHENS: All right. Kyle, I'm going to 4 take a quick break, if you don't mind. Maybe we can 5 come back at 10:00 and resume. Is that okay? 6 MR. SHAMBERG: Ten minutes, yeah, that's fine. 7 (Off record briefly.) 8 BY MS. STEPHENS: 9 Q. Okay. Mr. Sminkey, we're back on the record. 10 Do you understand you're still under oath, sir? 11 A. Yes. 12 Q. Okay. Could you please pull Exhibit No. 3 in 13 front of you. It's the interrogatory responses. 14 A. Okay. 15 Q. Now, do you recognize this particular 16 document? 17 A. Yes. 18 Q. Okay. Do you believe you reviewed -- like you 19 said earlier, you reviewed this as part of your 20 preparation with your counsel; is that correct? 21 A. Yes. 22 Q. Okay. And do you also recall providing some 23 information that ended up in this particular document on 24 your responses? 25 A. Yes.</p>
<p style="text-align: right;">Page 47</p> <p>1 Q. But your particular complaint, you believe, is 2 just solely with the tubing or the piping that you 3 believe is manufactured by NIBCO; is that right? 4 MR. SHAMBERG: Objection. Calls for legal 5 conclusion. 6 Go ahead, Ray. 7 THE WITNESS: I do. 8 Q. (BY MS. STEPHENS) When you were doing your 9 internet research, did you go to the NIBCO website at 10 all? 11 A. I don't remember. 12 Q. Do you know whether NIBCO's products have a 13 warranty? 14 A. I don't remember. 15 Q. So you don't know whether you've ever looked 16 at the NIBCO warranty and, in particular, the PEX 17 warranty before? 18 A. No. 19 Q. Do you recall ever seeing any documents 20 distributed by NIBCO, for example, like a catalog or 21 installation manual or anything like that? 22 A. No. 23 Q. When you went online and you found 24 Mr. Sauder's name, were you, like, on a message board or 25 a blog or something like that, or do you recall what</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. Okay. And if you'd look to the last page, 2 sir, there's a verification. And you see your signature 3 there on the last page? 4 A. Yes. 5 Q. Okay. And that was dated October 29, 2015; is 6 that correct? 7 A. Correct. 8 Q. Okay. Do you know -- since you verified these 9 responses, do you believe you have learned any new 10 information that is not included in these responses? 11 A. No. 12 Q. Okay. So this -- these responses remain true 13 and accurate, to the best of your knowledge? 14 A. Yes. 15 Q. Okay. Going back, Mr. Sminkey, to when you 16 were considering purchasing this house in Elgin, were 17 you provided any information regarding what kind of 18 plumbing was in the house before you bought it? 19 A. No. 20 Q. Was the plumbing a factor in the home purchase 21 at all? 22 A. No. 23 Q. Do you know where the plumbing that was 24 installed in your home, in particular the PEX tubing, 25 was purchased?</p>

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<p style="text-align: right;">Page 50</p> <p>1 A. No.</p> <p>2 Q. Do you know who purchased it?</p> <p>3 A. No.</p> <p>4 Q. And you believe that All Star Plumbing was the</p> <p>5 company that installed it; is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. Have you ever contacted All Star Plumbing</p> <p>8 regarding the work they did in your home?</p> <p>9 A. No.</p> <p>10 Q. When you had your discussion with your</p> <p>11 friends, before you bought the house, about PEX tubing,</p> <p>12 did you have a positive or negative view of PEX at all</p> <p>13 or was it just something you were talking about in</p> <p>14 general?</p> <p>15 A. Just general discussion.</p> <p>16 Q. Did either you or your friends have any leaks</p> <p>17 at this point involving PEX tubing?</p> <p>18 A. I don't think so.</p> <p>19 Q. Now, in this lawsuit, Mr. Sminkey, could you</p> <p>20 describe to me what you are seeking from NIBCO?</p> <p>21 A. Just -- you know, kind of just to make sure</p> <p>22 that this kind of stuff doesn't continue to happen and</p> <p>23 get what happened repaired. You know, essentially,</p> <p>24 if -- you know, if it's found out that I have to replace</p> <p>25 the plumbing in the entire house, that the plumbing gets</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. Did someone suggest that you add one?</p> <p>2 A. I don't remember.</p> <p>3 Q. And you said mid 2014, so you think sometime</p> <p>4 in the spring or summer of mid 2014 you added the</p> <p>5 expansion tank?</p> <p>6 A. Yes.</p> <p>7 Q. And where is the expansion tank located, let's</p> <p>8 say, for instance, in relation to the water heater?</p> <p>9 A. About 2-foot before the cold inlet side of the</p> <p>10 water heater.</p> <p>11 Q. So if we're looking at the water heater</p> <p>12 closet, it's not actually in that closet, it's somewhere</p> <p>13 to left of it?</p> <p>14 A. One more time? You broke up a little bit</p> <p>15 there.</p> <p>16 Q. Apology. So if we're looking at the water</p> <p>17 heater closet -- again, the water heater is up on a</p> <p>18 wooden platform in that closet.</p> <p>19 Now, could you describe to me where expansion tank</p> <p>20 is, like left to right, if we looking directly at the</p> <p>21 water heater?</p> <p>22 A. Off to the right.</p> <p>23 Q. Okay. And where did you purchase that</p> <p>24 expansion tank?</p> <p>25 A. I don't remember.</p>
<p style="text-align: right;">Page 51</p> <p>1 replaced.</p> <p>2 Q. Now, to be clear, you haven't any leaks since</p> <p>3 these three in November of 2013; is that correct?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. Have you gotten an estimate or asked</p> <p>6 anyone what it might cost to replumb your entire house?</p> <p>7 A. No.</p> <p>8 Q. And you're not sure whether you need that or</p> <p>9 not, you just want to know, if that needs to be done,</p> <p>10 that's what you would be seeking in this lawsuit. Is</p> <p>11 that what you're saying?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know whether the plumbing in your house</p> <p>14 has an expansion tank?</p> <p>15 A. One more time, please?</p> <p>16 Q. Sure. Does the plumbing that's in your home</p> <p>17 have an expansion tank?</p> <p>18 A. It does now.</p> <p>19 Q. It does now. And when was that put in?</p> <p>20 A. Mid 2014.</p> <p>21 Q. And who installed that?</p> <p>22 A. I did.</p> <p>23 Q. Why did you put an expansion tank into your</p> <p>24 plumbing system?</p> <p>25 A. I don't remember.</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. Did you get it at like a hardware store or a</p> <p>2 plumber?</p> <p>3 A. Hardware store.</p> <p>4 Q. Do you know what brand it is?</p> <p>5 A. No.</p> <p>6 Q. Have you ever installed an expansion tank</p> <p>7 before?</p> <p>8 A. No.</p> <p>9 Q. The piping connected to the expansion tank, is</p> <p>10 it PEX?</p> <p>11 A. Yes.</p> <p>12 Q. Is it NIBCO PEX?</p> <p>13 A. No.</p> <p>14 Q. Do you know what brand that piping is?</p> <p>15 A. SharkBite.</p> <p>16 Q. What about the fittings, are those also</p> <p>17 SharkBite?</p> <p>18 A. Yes.</p> <p>19 Q. And you installed all of those -- the piping</p> <p>20 and the fittings as well -- when you did the expansion</p> <p>21 tank?</p> <p>22 A. Yes.</p> <p>23 Q. Did you use crimp rings or how did you connect</p> <p>24 the fittings to the piping?</p> <p>25 A. They're self-connection fittings?</p>

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<p style="text-align: right;">Page 54</p> <p>1 Q. Like push fittings or something like that?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Are they metal or plastic?</p> <p>4 A. Metal.</p> <p>5 Q. And did you buy that stuff at the same place</p> <p>6 you bought the expansion tank?</p> <p>7 A. Yes.</p> <p>8 Q. Had you ever installed plumbing before doing</p> <p>9 this particular work?</p> <p>10 A. No.</p> <p>11 Q. Did anybody help you do this?</p> <p>12 A. No.</p> <p>13 Q. Do you believe your plumbing system has a</p> <p>14 pressure-reducing valve?</p> <p>15 A. I don't know.</p> <p>16 Q. Have you ever heard of something like that</p> <p>17 before?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Do you have an understanding of what a</p> <p>20 pressure valve does?</p> <p>21 A. Yes.</p> <p>22 Q. What do you understand that to do?</p> <p>23 A. Monitors -- or not necessarily monitors, but</p> <p>24 keeps the output pressure at a constant or below a set</p> <p>25 pressure.</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. And the water that comes to your house, does</p> <p>2 that come from Elgin's system?</p> <p>3 A. Yes.</p> <p>4 Q. Does the water softener connect to both the</p> <p>5 hot and cold lines to your house?</p> <p>6 A. Just the cold line.</p> <p>7 Q. And where -- again, if we're looking at the</p> <p>8 water heater, where is the water softener in your</p> <p>9 plumbing system?</p> <p>10 A. Just to the right of the hot water heater.</p> <p>11 Q. So in same area as the expansion tank,</p> <p>12 generally?</p> <p>13 A. Yes.</p> <p>14 Q. Can you see the water heater and the expansion</p> <p>15 tank in the closet or are they behind a wall?</p> <p>16 A. One more time, please.</p> <p>17 Q. Sure. Can you see -- if you're in the water</p> <p>18 heater closet area, can you physically see the expansion</p> <p>19 tank and that water softener or are they behind a wall?</p> <p>20 A. They're on the other side of the wall.</p> <p>21 Q. And you can only access those now if you cut</p> <p>22 open the wall? Is that correct?</p> <p>23 A. No.</p> <p>24 Q. Okay. So where can you access the softener</p> <p>25 and the expansion tank?</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. And you said you're not sure whether your</p> <p>2 house has one or not; is that correct?</p> <p>3 A. That's correct.</p> <p>4 Q. What about, does your house have a circulation</p> <p>5 tank or a recirculation system?</p> <p>6 A. No.</p> <p>7 Q. What about a water softener?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And where is the water softener -- or</p> <p>10 excuse me. Is the water softener original to the house?</p> <p>11 A. No.</p> <p>12 Q. When was the water softener installed?</p> <p>13 A. 2014.</p> <p>14 Q. Did you install it at the same time you</p> <p>15 installed the expansion tank?</p> <p>16 A. Within a couple months of each other.</p> <p>17 Q. Okay. Was the water softener installed before</p> <p>18 or after the expansion tank was installed?</p> <p>19 A. After.</p> <p>20 Q. And who installed the water softener in your</p> <p>21 home?</p> <p>22 A. I did.</p> <p>23 Q. And why did you add a water softener to your</p> <p>24 system?</p> <p>25 A. Because the town has hard water.</p>	<p style="text-align: right;">Page 57</p> <p>1 A. The water heater is in a closet in the garage.</p> <p>2 The water softener and the expansion tank are to the</p> <p>3 right of that closet in the open in the garage.</p> <p>4 Q. Okay. So they're in the exposed part of the</p> <p>5 garage?</p> <p>6 A. Yes.</p> <p>7 Q. Other than the three leaks that we've</p> <p>8 discussed and then these additions to your plumbing</p> <p>9 system, have you done any other work to the plumbing</p> <p>10 system in your home?</p> <p>11 A. No.</p> <p>12 Q. Before the three leaks occurred in</p> <p>13 November 2013, had you ever had reason to call a plumber</p> <p>14 to come out to this house?</p> <p>15 A. Yes.</p> <p>16 Q. Can you describe that instance, or is there</p> <p>17 more than one of those?</p> <p>18 A. It was a crushed sewer line on the city side.</p> <p>19 Q. And can you say that again? A what? A</p> <p>20 crushed sewer line?</p> <p>21 A. A crushed sewer line going to the city main.</p> <p>22 Q. And how did that sewer line become crushed?</p> <p>23 A. A dump truck ran over it.</p> <p>24 Q. That would probably do it.</p> <p>25 When did that occur?</p>

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<p style="text-align: right;">Page 58</p> <p>1 A. 2010, 2011 maybe. I don't remember.</p> <p>2 Q. And you had a plumber come out and fix that</p> <p>3 sewer line. But did the city pay for it or somebody</p> <p>4 else pay for it?</p> <p>5 A. The -- I'm not sure who paid for it. I know I</p> <p>6 did not pay for it.</p> <p>7 Q. It wasn't you?</p> <p>8 A. Correct.</p> <p>9 Q. All right. Other than that particular</p> <p>10 instance, did you have any plumber -- work done to the</p> <p>11 plumbing system or related to your plumbing system done</p> <p>12 at your house?</p> <p>13 A. No.</p> <p>14 Q. I believe you have a -- do you have a Jacuzzi</p> <p>15 tub in your house?</p> <p>16 A. Yes.</p> <p>17 Q. Is that original to the house?</p> <p>18 A. Yes.</p> <p>19 Q. Have you ever had your water heater serviced?</p> <p>20 A. What do you mean?</p> <p>21 Q. Well, have you ever had anyone come out and</p> <p>22 service your water heater, take a look at it, inspect</p> <p>23 it, things like that?</p> <p>24 A. No.</p> <p>25 Q. And the water heater in your home, is that the</p>	<p style="text-align: right;">Page 60</p> <p>1 Exhibit 2 again, which is the second amended complaint.</p> <p>2 If you could please turn to page 45. And just let me</p> <p>3 know when you are there, please.</p> <p>4 A. Okay.</p> <p>5 Q. Okay. And do you see paragraph 226?</p> <p>6 A. Yes.</p> <p>7 Q. And, in particular, I'm referring to the part</p> <p>8 after the number 2 where it says, NIBCO failed to</p> <p>9 provide Mr. Sminkey and other class members with</p> <p>10 adequate and sufficient warnings regarding the known and</p> <p>11 foreseeable risks and dangers inherent in NIBCO PEX</p> <p>12 products.</p> <p>13 Do you see that allegation?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. At the time that you bought your house</p> <p>16 in Elgin, Oklahoma, isn't it true that you were not</p> <p>17 aware that NIBCO PEX products were in your house?</p> <p>18 A. Yes.</p> <p>19 Q. So if there had been a warning issued by NIBCO</p> <p>20 regarding its PEX products, you wouldn't have known</p> <p>21 whether that affected you or not?</p> <p>22 A. One more time, please.</p> <p>23 Q. Okay. Well, let's say that NIBCO had provided</p> <p>24 a warning regarding its NIBCO PEX products. For</p> <p>25 instance, let's say NIBCO had issued a warning that its</p>
<p style="text-align: right;">Page 59</p> <p>1 original water heater?</p> <p>2 A. Yes.</p> <p>3 Q. Have you ever adjusted the settings on that</p> <p>4 water heater; you, yourself?</p> <p>5 A. No.</p> <p>6 Q. So whatever settings the water heater was set</p> <p>7 to when you originally bought the house, you believe</p> <p>8 those are the same settings?</p> <p>9 A. Yes.</p> <p>10 MS. STEPHENS: I'm just taking a moment to</p> <p>11 look over some notes. Just bear with me, everyone.</p> <p>12 (Brief pause.)</p> <p>13 Q. (BY MS. STEPHENS) Mr. Sminkey, since the leaks</p> <p>14 in your home, have you had any discussions with anyone</p> <p>15 else who's had a similar problem in their house?</p> <p>16 A. No.</p> <p>17 Q. Do you know whether the other houses in your</p> <p>18 neighborhood were built by the same homebuilder or were</p> <p>19 they built by someone else?</p> <p>20 A. I think they were all built by somebody else.</p> <p>21 Q. Okay. And, once again, the PEX -- all the</p> <p>22 plumbing was installed already before you bought the</p> <p>23 house; correct?</p> <p>24 A. Yes.</p> <p>25 Q. Mr. Sminkey, I'm going to refer you to</p>	<p style="text-align: right;">Page 61</p> <p>1 PEX tubing could prematurely fail.</p> <p>2 If that warning had been issued, you wouldn't know</p> <p>3 whether that would have affected you when you bought the</p> <p>4 house; is that true?</p> <p>5 A. What I would have known?</p> <p>6 Q. Well, you didn't know NIBCO PEX products were</p> <p>7 in your house, did you?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. So let's say NIBCO put that warning on</p> <p>10 their website, for instance. Would you have been aware</p> <p>11 of that?</p> <p>12 A. No.</p> <p>13 Q. Let's say that warning had been put on the</p> <p>14 pipe itself. You wouldn't have seen that before you</p> <p>15 bought the house, would you?</p> <p>16 A. No.</p> <p>17 Q. And as part of the materials provided to you</p> <p>18 by the homebuilder, it just names a plumber, but you</p> <p>19 never spoke to that plumber before you bought the house</p> <p>20 or after; is that correct?</p> <p>21 A. Correct.</p> <p>22 MS. STEPHENS: Kyle, I don't have any more</p> <p>23 questions.</p> <p>24 MR. SHAMBERG: Okay. Just give me one second</p> <p>25 to look at my notes here too.</p>

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Page 62	Page 64
1 (Brief pause.)	1 CORRECTION SHEET
2 MR. SHAMBERG: Okay. I don't have any	2 Witness: RAY SMINKEY
3 questions.	3 Reporter: Debra Garver, RPR
4 MS. STEPHENS: I assume he'll read and sign?	4 Attorney: RACHEL STEPHENS
5 MR. SHAMBERG: Yes.	5 Date: December 20, 2016
6 MS. STEPHENS: Debra, I usually do an Etran	6 OA: KYLE SHAMBERG
7 with the exhibits attached.	7 CASE: COLE, et al. vs. NIBCO, INC.
8 Kyle, do you want anything different?	8 PAGE LINE CORRECTION/Reason
9 MR. SHAMBERG: Yeah, just the Etran, standard	9 _____
10 delivery with scanned exhibits is fine.	10 _____
11 (End of Deposition at 10:26 a.m.)	11 _____
12	12 _____
13	13 _____
14	14 _____
15	15 _____
16	16 _____
17	17 _____
18	18 _____
19	19 _____
20	20 _____
21	21 _____
22	22 _____
23	23 _____
24	24 _____
25	25 _____

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1 J U R A T	1 COUNTY OF OKLAHOMA)
2	2) SS
3 I, RAY SMINKEY, do hereby state under oath that I	3 STATE OF OKLAHOMA)
4 have read the above and foregoing deposition in its	4
5 entirety and that the same is a full, true and correct	5 C E R T I F I C A T E
6 transcription of my testimony so given at said time and	6 I, DEBRA GARVER, a certified shorthand reporter
7 place.	7 within and for the State of Oklahoma, certify that:
8	8 RAY SMINKEY was by me sworn to testify the truth; that
9 _____With corrections _____No corrections	9 the deposition was taken by me in stenotype and
10	10 thereafter transcribed by computer and the foregoing is
11 _____	11 a true and correct transcript of the testimony of the
12 RAY SMINKEY	12 witness; that the deposition was taken on December 20,
13	13 2016, in Lawton, Oklahoma; that I am not an attorney for
14 Subscribed and sworn to before me, a Notary Public	14 or a relative of any party, or otherwise interested in
15 in and for the State of Oklahoma by said witness, RAY	15 this action.
16 SMINKEY, on this, the _____ day of _____ 2016.	16 Witness my hand and seal of office on the 23rd day
17	17 of December 2016.
18 _____	18
19 Notary Public	19
20	20
21 My Commission Expires: _____	21 DEBRA GARVER, CSR, RPR
22 My commission number is: _____	22 State of Oklahoma CSR# 1370
23	23 Certificate exp. 12/31/16
24 Reported by: Debra Garver, CSR, RPR	24
25	25

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